
By: **Chairman, Budget and Taxation Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 15, 2004
Assigned to: Budget and Taxation

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 9, 2004

CHAPTER _____

1 AN ACT concerning

2 **Corrections - Local Correctional Facilities - Financial Assistance for**
3 **Counties**

4 FOR the purpose of ~~repealing the requirement that the State pay certain costs~~
5 ~~relating to the construction of certain correctional facilities~~; authorizing a
6 county to apply for financial assistance for the construction of a new or enlarged
7 local correctional facility if the anticipated confinement of inmates serving
8 certain sentences would exceed certain capacity; ~~repealing the altering a~~
9 ~~requirement that the Secretary of Public Safety and Correctional Services~~
10 ~~annually review certain rates of growth relating to the number of inmates~~
11 ~~sentenced to a certain period of confinement by requiring a certain comparison~~
12 ~~to the number of inmates similarly sentenced before a certain date~~; and
13 generally relating to local correctional facilities.

14 BY repealing and reenacting, with amendments,
15 Article - Correctional Services
16 Section 11-105
17 Annotated Code of Maryland
18 (1999 Volume and 2003 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Correctional Services

2 11-105.

3 (a) If the Secretary determines that the anticipated confinement of inmates
 4 [in a county's local correctional facility as a result of the sentencing stipulation
 5 effective on January 1, 1987,] ~~WHO ARE SERVING SENTENCES OF NOT LESS~~ MORE
 6 THAN 6 MONTHS BUT NOT EXCEEDING 12 MONTHS IN A COUNTY'S LOCAL
 7 CORRECTIONAL FACILITY would exceed the capacity of the local correctional facility,
 8 [the State shall pay 100% of the costs listed under subsection (c) of this section] A
 9 COUNTY MAY APPLY TO THE SECRETARY FOR FINANCIAL ASSISTANCE FOR THE
 10 CONSTRUCTION of a new or enlarged existing local correctional facility.

11 (b) For the purpose of anticipating inmate confinement under subsection (a) of
 12 this section, the Secretary annually shall review and study each county's local
 13 correctional facility population in conjunction with data relevant to patterns of:

14 (1) sentencing; ~~AND~~

15 (2) geographic distribution of inmates; and

16 (3) the rates of growth in the number of inmates sentenced to ~~not less~~
 17 MORE than 6 months but not exceeding 12 months:

18 (i) ~~before January 1, 1987; and~~

19 (ii) ~~on or after January 1, 1987]~~ AS COMPARED TO THE NUMBER
 20 SIMILARLY SENTENCED BEFORE JANUARY 1, 1988.

21 (c) (1) Subject to the State budget appropriation process and in accordance
 22 with this section, if a COUNTY APPLIES FOR FINANCIAL ASSISTANCE UNDER
 23 SUBSECTION (A) OF THIS SECTION AND A county's construction plan is approved by
 24 the Secretary under this section, the State shall pay ~~at~~ 100% of the approved costs of
 25 acquisition, construction, architectural and engineering services, and capital
 26 equipment for:

27 (i) a new local correctional facility; or

28 (ii) enlargement of an existing local correctional facility.

29 (2) If a county's construction plan is disapproved by the Secretary, the
 30 county may appeal to the Board of Public Works.

31 (3) Subject to the State budget appropriation process, if A COUNTY
 32 APPLIES FOR FINANCIAL ASSISTANCE UNDER SUBSECTION (A) OF THIS SECTION AND
 33 the Board of Public Works approves the construction plan, the State shall pay ~~at~~ 100%
 34 of the approved costs of acquisition, construction, architectural and engineering
 35 services, and capital equipment for:

36 (i) a new local correctional facility; or

1 (ii) enlargement of an existing local correctional facility.

2 (d) The plans and costs for construction or enlargement of a local correctional
3 facility by a county under this section are subject to:

4 (1) the procedures followed by State units for requested capital projects;
5 and

6 (2) approval by the Secretary.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2004.